

## ENROLLED ORIGINAL

## A RESOLUTION

17-415

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To approve the borrowing of funds by the Mayor through the issuance and sale of general obligation bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Fiscal Year 2008 General Obligation Bond Issuance Approval Resolution of 2007".

Sec. 2. (a) Pursuant to section 3302 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 47-335.01), the Council approves the request of the Mayor for the authority to borrow funds for the capital projects listed in section 3 through the issuance and sale of general obligation bonds not to exceed an aggregate principal amount of \$678,254,000 for the payment, on an agency basis, for the costs of acquiring or undertaking capital projects for general governmental and enterprise purposes, plus an amount equal to the costs and expenses of issuing and delivering the bonds, including any capitalized interest, underwriting, rating fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, and printing costs and expenses.

(b) If the funds allocated to any agency pursuant to the authorization granted by this resolution exceed the amount required by that agency to complete an authorized capital project listed in section 3 for that agency, the excess funds shall be available to finance additional capital projects, that have been, or will be, approved by a prior or subsequent general obligation bond issuance approval resolution.

(c) The capital projects listed in section 3 have been authorized pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), the District of Columbia Appropriations Act, 2000, approved November 29, 1999 (Pub. L. No. 106-113; 113 Stat. 1501), the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Pub. L. No. 106-522; 114 Stat. 2457), the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Pub. L. No. 107-96; 115 Stat. 923), the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. L. No. 108-7; 117 Stat. 11), the District of Columbia Appropriations Act, 2004, approved January 23, 2004 (Pub. L. No. 108-199; 118 Stat. 3), the District of Columbia Appropriations Act, 2005, approved October 18, 2004 (Pub. L. No. 108-335; 118 Stat. 1322), the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-

## ENROLLED ORIGINAL

115; 119 Stat. 2508), the Continuing Appropriations Resolution, 2007, approved February 15, 2007 (Pub. L. No. 110-5; 121 Stat. 8), and the Continuing Appropriations Resolution, 2008, approved September 29, 2007 (Pub. L. No. 110-92; 121 Stat. 989), and are included within the schedule of capital projects for which the District of Columbia is authorized to incur indebtedness, under the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 1999 - 2004 Authorization Act of 1999, effective July 29, 1999 (D.C. Law 13-22; D.C. Official Code § 1-204.61, note) (the "1999 - 2004 Bond Act"), the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002 - 2007 Authorization Act of 2002, effective March 25, 2003 (D.C. Law 14-214; D.C. Official Code § 1-204.61, note) (the "2002 - 2007 Bond Act") and the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2007-2012 Authorization Act of 2006, effective March 6, 2007 (D.C. Law 16-212; 53 DCR 9855) (the "2007-2012 Bond Act" and together with the 1999 - 2004 Bond Act and the 2002 - 2007 Bond Act, the "Bond Acts").

Sec. 3. The amounts to be financed from the borrowing are as follows:

Agency	Project	Project Title	Implementing Agency	Amount
<b>I. Annual Capital Improvements Program</b>				
<b>Office of the City Administrator</b>				
AE0	SM4	Homeless No More	AE0	\$2,500,000
<b>Subtotal, Office of the City Administrator</b>				<b>2,500,000</b>
<b>Office of Property Management</b>				
AM0	AA2	Renovation of the DC Armory	AM0	500,000
AM0	AA3	Consolidated Laboratory	AM0	8,000,000
AM0	BC1	Facilities Condition Assessment Study	AM0	500,000
AM0	CA1	National Archives/Recorder of Deeds Pool	AM0	1,000,000
AM0	PL1	Pool Projects	AM0	55,400,000
AM0	PL6	FY 2006 Pool Projects	AM0	10,800,000
AM0	RES	Reservation 13	AM0	400,000
<b>Subtotal, Office of Property Management</b>				<b>76,600,000</b>
<b>Office of the Chief Financial Officer</b>				
AT0	AT2	Union Square	AT0	75,000
AT0	BF2	System Upgrade 2	AT0	2,000,000
AT0	CIS	Computer Infrastructure System	AT0	400,000
AT0	CSP	Integrated Tax System	AT0	1,000,000
<b>Subtotal, Office of the Chief Financial Officer</b>				<b>3,475,000</b>

## ENROLLED ORIGINAL

Agency	Project	Project Title	Implementing Agency	Amount
<b>Office of Planning</b>				
BD0	PLN	Public Planning-Initial Proj Development	BD0	1,500,000
<b>Subtotal, Office of Planning</b>				<b>1,500,000</b>
<b>D.C. Department of Human Resources</b>				
BE0	BE5	Information Technology	BE0	50,000
<b>Subtotal, D.C. Department of Human Resources</b>				<b>50,000</b>
<b>Commission on Arts &amp; Humanities</b>				
BX0	AH7	Public Art Fund	BX0	1,500,000
BX0	DA1	Cultural Facilities Program	BX0	300,000
<b>Subtotal, Commission on Arts &amp; Humanities</b>				<b>1,800,000</b>
<b>Office on Aging</b>				
BY0	A05	Multipurpose Wellness Ctr	AM0	2,000,000
BY0	AA1	General Imprv Group Homes OOA	CC0	15,000
BY0	EA3	Ward 5 Renovation	AM0	200,000
BY0	EA4	Ward 7 Senior Wellness Center Renovation	AM0	30,000
<b>Subtotal, Office on Aging</b>				<b>2,245,000</b>
<b>D.C. Public Library</b>				
CE0	ANL	Anacostia Neighborhood Library	CE0	7,063,000
CE0	BEN	New Benning Branch Library	CE0	6,063,000
CE0	FS3	Georgetown Library Renovation	CE0	200,000
CE0	LB2	Library Improvements	CE0	500,000
CE0	LB3	General Imprv Var Library Branch	CE0	1,500,000
CE0	MLK	Martin Luther King Memorial Library	CE0	50,000
CE0	NL6	Reconstruction/Renovations Community Libraries	CE0	50,000
CE0	TEN	New Tenley Branch Library	CE0	6,063,000
CE0	WTD	Renovations to Watha T. Daniels Library	CE0	7,063,000
<b>Subtotal, D.C. Public Library</b>				<b>28,552,000</b>
<b>Dept. of Consumer and Regulatory Affairs</b>				
CR0	CO3	Digitization of the Office of the Survey	TO0	600,000
CR0	EB3	Neighborhood Revitalization	CR0	4,000,000
CR0	ISM	DCRA Mission Critical IT Systems Modernization	CR0	400,000
<b>Subtotal, Dept. of Consumer and Regulatory Affairs</b>				<b>5,000,000</b>
<b>Dept. of Housing and Comm. Development</b>				
DB0	033	Ft Lincoln Utility	DB0	20,000

## ENROLLED ORIGINAL

Agency	Project	Project Title	Implementing Agency	Amount
DB0	040	Affordable Housing	DB0	1,500,000
DB0	500	Housing Redevelopment	DB0	80,000
DB0	503	DCHA - Affordable Housing	DB0	2,000,000
DB0	SWI	Southwest Waterfront	DB0	44,869
<b>Subtotal, Dept. of Housing and Comm. Development</b>				<b>3,644,869</b>
<b>Deputy Mayor for Economic Development</b>				
EB0	040	Affordable Housing	EB0	1,500,000
EB0	EB0	New Communities	EB0	6,550,000
EB0	EB3	Neighborhood Revitalization	EB0	1,150,000
EB0	EB4	Community Economic Development Initiatives	EB0	12,000,000
EB0	EDP	Economic Development Pool	EB0	9,555,000
<b>Subtotal, Deputy Mayor for Economic Development</b>				<b>30,755,000</b>
<b>Metropolitan Police Department</b>				
FA0	CIF	Infrastructure Rehabilitation - VL	FA0	11,051
FA0	DP6	Police Computers	FA0	25,000
FA0	FRI	Base Building Renovation	FA0	7,500,000
FA0	KA3	IPS Campus - Indoor Firing Range	FA0	500,000
FA0	KA4	Institute of Police Science	FA0	1,000,000
FA0	PL1	MPD Building Renovations/Construction	FA0	1,000,000
FA0	PSP	Property Streamlining	FA0	50,000
<b>Subtotal, Metropolitan Police Department</b>				<b>10,086,051</b>
<b>Fire And Emergency Medical Services</b>				
FB0	E20	Engine 20	FB0	300,000
FB0	F27	Permanent Imprv Var Loc FEMS	CC0	80,000
FB0	F27	Permanent Imprv Var Loc FEMS	FB0	50,000
FB0	F34	Fire Emergency Comm Facility	FB0	500,000
FB0	LA9	Engine 9	FB0	500,000
FB0	LB3	Engine 12	FB0	50,000
FB0	LC3	Engine 21 Renovation And Modernization	FB0	50,000
FB0	LC4	Engine 22	FB0	50,000
FB0	LD4	Engine Company 31 Renovation	FB0	93,729
FB0	LD8	Training Academy Infrastructure/ EVOC	FB0	200,000
FB0	LF1	Asbestos Abatement	FB0	200,000
FB0	LF2	Scheduled Capital Maintenance	FB0	400,000
<b>Subtotal, Fire And Emergency Medical Services</b>				<b>2,473,729</b>
<b>Department of Corrections</b>				
FLO	CE1	General Improvements at DC Dent Facility	CC0	42,789

## ENROLLED ORIGINAL

Agency	Project	Project Title	Implementing Agency	Amount
FL0	CR0	General Renovation at DC Jail Laundry Fac	AM0	75,000
FL0	CR1	General Renovation & Upgrades	AM0	250,000
FL0	MA2	Renovation at Central Detention Facility	AM0	250,000
FL0	MA5	Central Detention /Roof Replacement	AM0	100,000
<b>Subtotal, Department of Corrections</b>				<b>717,789</b>
<b>Office of the Chief Medical Examiner</b>				
FX0	001	Enhancement to Case Management	TO0	50,000
FX0	AA4	Medical Examiners Office	AM0	30,000
<b>Subtotal, Office of the Chief Medical Examiner</b>				<b>80,000</b>
<b>District of Columbia Public Schools</b>				
GA0	NA6	Ballou HS - Modernization/Renovation	GA0	2,000,000
GA0	NA9	Barnard ES - Modernization/Renovation	GA0	150,000
GA0	NB2	Bell-Lincoln - Modernization/Renovation	GA0	150,000
GA0	NB7	Brightwood ES - Modernization/Renovation	GA0	2,500,000
GA0	NC2	Bruce-Monroe ES Life Safety Code Complia	GA0	250,000
GA0	NC8	Cleveland Es-Modernization/Renovation	GA0	10,000
GA0	ND4	Deal JHS -Modernization/Renovation	GA0	1,000,000
GA0	NF9	Hardy MS-Modernization/Renov	GA0	3,500,000
GA0	NK5	Luke Moore HS- Modernization/Renovation	GA0	1,300,000
GA0	NN1	Savoy ES - Life Safety Code Compliance	GA0	20,000
GA0	NP6	Thomson ES-Modernization/Renov	GA0	100,000
GA0	NR8	Kelly Miller - Modernization/Renov	GA0	150,000
GA0	NR9	Roosevelt HS Modernization/Renov	GA0	100,000
GA0	NX3	Cardozo HS Modernization/Renov	GA0	2,000,000
GA0	SG1	General Improvements	GA0	25,000,000
GA0	SG3	Maintenance Improvements	GA0	35,000,000
GA0	SG4	School Modernizations	GA0	250,000
<b>Subtotal, District of Columbia Public Schools</b>				<b>73,480,000</b>
<b>University of the District of Columbia</b>				
GF0	PA3	Building #39	AM0	150,000
GF0	PA4	Building # 41	AM0	400,000
GF0	PA8	Building # 47	AM0	20,000
GF0	PB1	Complete Renovation & Modernization	AM0	75,000
GF0	U08	Perm Imprv Van Ness Campus	CC0	300,000
GF0	U25	Architectural Barrier Removal Var Loc UDC	CC0	24,320
GF0	UB6	Emergency Mech, Elec&Struct Deficiencies	AM0	500,000
GF0	UD6	Renovation of Plaza Deck & Parking Garag	AM0	200,000
<b>Subtotal, University of the District of Columbia</b>				<b>1,669,320</b>

## ENROLLED ORIGINAL

Agency	Project	Project Title	Implementing Agency	Amount
<b>Department of Parks and Recreation</b>				
HA0	QA1	Aquatic Cntr Ward III	HA0	200,000
HA0	QA4	Lamond Rec Cntr	HA0	400,000
HA0	QA5	Stoddert Recreation Cntr	HA0	500,000
HA0	QB3	Roper/Deanwood Recreation Center	HA0	4,600,000
HA0	QD5	Woodrow Wilson Natatorium	HA0	3,500,000
HA0	R92	Turkey Thicket	HA0	48,846
HA0	RE0	Facility Expansion	HA0	5,000,000
HA0	RG0	General Improvements	HA0	4,000,000
HA0	RN0	New Recreation Facilities	HA0	2,500,000
HA0	RR0	Facility Renovation	HA0	4,000,000
<b>Subtotal, Department of Parks and Recreation</b>				<b>24,748,846</b>
<b>Department of Health</b>				
HC0	HC1	DC Animal Shelter	AM0	59,556
HC0	HC5	Community Clinic Construction	HC0	2,000,000
HC0	HN7	Gen Renov Public Health Lab	AM0	74,817
HC0	HY5	Renovate Detoxication Clinic at D.C. Gen	HC0	75,000
HC0	R20	Emergency Systems	AM0	75,000
HC0	R23	Laboratory Re-Engineering	HC0	500,000
HC0	R24	Electrical Renovations	AM0	21,545
HC0	R25	Mechanical Renovations	AM0	28,786
HC0	R28	Boiler Plant Renovations	AM0	600,000
HC0	RA2	Medicaid	HC0	25,000
HC0	RA8	APRA Patient Records System	TO0	700,000
<b>Subtotal, Department of Health</b>				<b>4,159,704</b>
<b>Department of Human Services</b>				
JA0	SB1	Children's Tracking System	TO0	3,500,000
JA0	SE4	DC Village	AM0	50,978
JA0	SH1	Shelter Facilities	AM0	27,110
<b>Subtotal, Department of Human Services</b>				<b>3,578,088</b>
<b>Department of Youth Rehabilitation Services</b>				
JZ0	H96	General Renovation @ Oak Hill Juvenile Fac	CC0	1,500,000
JZ0	SH7	Oak Hill Youth Facility	AM0	1,000,000
<b>Subtotal, Department of Youth Rehabilitation Services</b>				<b>2,500,000</b>
<b>Department of Transportation</b>				
KA0	CEL	Street Paving	KA0	3,000,000

## ENROLLED ORIGINAL

Agency	Project	Project Title	Implementing Agency	Amount
KA0	EDL	Neighborhood Streetscape	KA0	3,000,000
<b>Subtotal, Department of Transportation</b>				<b>6,000,000</b>
<b>Mass Transit Subsidies</b>				
KE0	SA2	Metrobus	KE0	32,101,406
KE0	SA3	Metrorail Rehab	KE0	48,377,530
<b>Subtotal, Mass Transit Subsidies</b>				<b>80,478,936</b>
<b>Department of Public Works</b>				
KT0	FM5	Packer Storage Facility	KT0	1,000,000
KT0	SW1	Rehab of Ft Totten Transfer Station	KT0	10,000,000
<b>Subtotal, Department of Public Works</b>				<b>11,000,000</b>
<b>Department of Motor Vehicles</b>				
KV0	MVS	Motor Vehicle Information System	KA0	100,000
KV0	WA5	IT Infrastruct Syst/Software 301 C St NW	KV0	400,000
KV0	WA6	IT Infrastruct For OCTO Data Center	KV0	600,000
KV0	WA6	IT Infrastruct For OCTO Data Center	TO0	75,000
<b>Subtotal, Department of Motor Vehicles</b>				<b>1,175,000</b>
<b>Department of Mental Health</b>				
RM0	HX2	St. E's General Improvements	RM0	75,000
RM0	HX3	Vacate West Campus	RM0	129,817
RM0	HX4	Housing Expansion	RM0	5,000,000
RM0	XA4	Demolition of Dix And JHP	RM0	500,000
RM0	XA5	SEH General Improvements	RM0	3,000,000
RM0	XA7	DMH Renovation to North Center Bldg	RM0	26,083
<b>Subtotal, Department of Mental Health</b>				<b>8,730,900</b>
<b>Office of the Chief Technology Officer</b>				
TO0	EAM	Enterprise Architecture Management	TO0	200,000
TO0	HIP	HIPAA Privacy And Security	TO0	1,000,000
TO0	N16	District Reporting System	TO0	8,000,000
TO0	N17	Tech City	TO0	30,000,000
TO0	N26	ITCC (Information Tech Control Center)	TO0	500,000
TO0	N27	Applications Maintenance Transition Project	TO0	1,500,000
TO0	WDN	Wireless Network	TO0	53,768
TO0	ZA1	IT Management	TO0	7,500,000
TO0	ZB1	ASMP-Citywide Enterprise Resrce Planning	TO0	15,000,000
<b>Subtotal, Office of the Chief Technology Officer</b>				<b>63,753,768</b>

## ENROLLED ORIGINAL

Agency	Project	Project Title	Implementing Agency	Amount
<b>I. Total, District of Columbia, Annual Capital Improvements Program</b>				<b>450,754,000</b>
<b>II. Additional Financings</b>				
<b>Office of Property Management</b>				
AM0	AA3	Consolidated Laboratory	AM0	25,000,000
AM0	PL1	Government Centers	AM0	100,000,000
<b>District of Columbia Public Schools</b>				
GA0	MOD	Schools Modernization	GA0	90,000,000
<b>Department of Transportation</b>				
KA0	EW0	East Washington Traffic Initiative	KA0	12,500,000
<b>II. Total, District of Columbia, Additional Financings</b>				<b>227,500,000</b>
<b>Grand Total, District of Columbia</b>				<b>\$678,254,000</b>

Sec. 4. Pursuant to sections 7 and 8 of the Bond Acts and applicable law, the Council approves the execution and delivery by the Mayor, on behalf of the District, of any agreement, document, contract, and instrument (including any amendment of or supplement to any such agreement, document, contract, or instrument) in connection with the issuance, sale, and delivery of District of Columbia general obligation bonds pursuant to the Bond Acts.

Sec. 5. The Mayor has notified the Council in the letter of transmittal accompanying this resolution that the general obligation bonds to be issued and sold pursuant to the authority granted to the Mayor by this resolution are intended to be issued on a tax-exempt basis.

Sec. 6. The Secretary to the Council shall submit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 7. This resolution shall take effect immediately.



ENROLLED ORIGINAL

## A RESOLUTION

17-416

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To confirm the appointment of Mr. David Gragan as the Chief Procurement Officer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief Procurement Officer David Gragan Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. David Gragan  
2400 Virginia Avenue, N.W., # C920  
Washington, D.C. 20037  
(Ward 2)

as the Chief Procurement Officer, established by section 105e of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-301.05e), to serve for one 5-year term.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17- 417

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To confirm the reappointment of Mr. James Josef Abdo to the Washington Convention Center Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Convention Center Authority Board of Directors James Josef Abdo Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. James Josef Abdo  
2929 Benton Place, N.W.  
Washington, D.C. 20008  
(Ward 3)

as a public member of the Washington Convention Center Authority Board of Directors, established by section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05), for a term to end May 16, 2011.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-418

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To confirm the reappointment of Mr. Mitchell N. Schear to the Washington Convention Center Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Convention Center Authority Board of Directors Mitchell N. Schear Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Mitchell N. Schear  
6672 32<sup>nd</sup> Place, N.W.  
Washington, D.C. 20015  
(Ward 4)

as a public member of the Washington Convention Center Authority Board of Directors, established by section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05), for a term to end May 16, 2011.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-419

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$8.5 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to the American Sociological Association to assist in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "American Sociological Association Revenue Bonds Project Approval Resolution of 2007".

## Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Deputy Mayor for Planning and Economic Development or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be the American Sociological Association, a nonprofit corporation organized under the laws of the District of Columbia and exempt from federal income taxes.

## ENROLLED ORIGINAL

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(8) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(9) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(10) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower in one or more loans.

(11) "Project" means the financing, refinancing, or reimbursing of all or a portion of borrower's costs incurred in connection with:

(A) The acquisition, renovation, furnishing, and equipping of commercial condominium units 500 and 600 (the 5<sup>th</sup> and 6<sup>th</sup> floors) in an existing 12-story building located at 1430 K Street, N.W., Washington, D.C. 20005 (Lot 81, Square 218) for use by the borrower as a headquarters building, together with the right to use 6 parking spaces and other property functionally related and subordinate thereto;

(B) Certain working capital expenditures;

(C) Any required deposit to a debt service reserve fund or other reserve fund and capitalized interest;

(E) Eligible Issuance Costs; and

(F) The cost of any bond insurance or other credit enhancement.

## ENROLLED ORIGINAL

## Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$8.5 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of a capital project as facilities used to house and equip operations related to the provision of the borrower in its mission of advancing sociology as a scientific discipline and profession serving the public good and industrial and commercial development within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

## Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing and refinancing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$8.5 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing and refinancing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

## ENROLLED ORIGINAL

## Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District of Columbia, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

## ENROLLED ORIGINAL

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.



## ENROLLED ORIGINAL

## Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

## Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

## Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and

## ENROLLED ORIGINAL

agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents, to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief

## ENROLLED ORIGINAL

against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

ENROLLED ORIGINAL

## Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 20. Effective date.

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-420

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$15 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the American Immigration Lawyers Association in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "American Immigration Lawyers Association Revenue Bonds Project Approval Resolution of 2007".

## Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Deputy Mayor for Planning and Economic Development or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be the American Immigration Lawyers Association, a corporation organized and existing under the laws of the State of New York and exempt from federal income taxes.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds

## ENROLLED ORIGINAL

and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(8) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(9) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(10) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(11) "Project" means:

(A) The financing, reimbursing, or refinancing of a portion of the costs incurred by the borrower in connection with the acquisition, renovation, and equipping of the building owned by the borrower located at 1331 G Street, N.W., Washington, D.C. (Lot 0837, Square 0252); and

(B) The paying of certain expenditures associated therewith including, without limitation, Issuance Costs, reserves, and credit enhancement costs.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

## ENROLLED ORIGINAL

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$15 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of facilities used to house and equip operations related to the study, development, application, or production of innovative commercial or industrial technologies and social services within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$15 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

## ENROLLED ORIGINAL

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

#### Sec. 6. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.



## ENROLLED ORIGINAL

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's

## ENROLLED ORIGINAL

approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

## ENROLLED ORIGINAL

## Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

## Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

## Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

## Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

## ENROLLED ORIGINAL

## Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

## Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

## Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

## Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

## Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 20. Effective date.

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-421

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To declare the existence of an emergency, due to Congressional review, with respect to the need to suspend, for an additional 6 months, the enforcement of the annual gross food sales requirements for restaurants and hotels that sell alcoholic beverages under a C/R, D/R, C/H, or D/H license.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Restaurant and Hotel Audit Sufficiency Congressional Review Emergency Declaration Resolution of 2007".

Sec. 2. (a) On June 23, 2004, the Council enacted the Omnibus Alcoholic Beverage Amendment Act of 2004, which established a new definition for restaurants and hotels to require, among other things, annual gross food sales of \$1500 or \$2000 per occupant, or that the sale of food account for at least 45% of the establishment's gross annual receipts.

(b) Under the act, gross annual food sales are subject to audit and examination by the District. The act further provided that restaurants had 2 years to begin compliance with the gross food sales requirement. Beginning October 1, 2006, restaurants and hotels are subject to a full year of auditing to ensure compliance with the gross annual food sales requirement.

(c) In the Fiscal Year 2007 Budget Support Act of 2006, the Council approved funding for 4 auditor positions at the Alcohol Beverage Regulation Administration ("ABRA") to track compliance and ensure enforcement of the gross annual food sales requirements. In November 2007, the Office of Tax and Revenue detailed 4 full-time auditors to ABRA to review the numbers of the restaurants and hotels and started asking the restaurants and hotels for quarterly reports.

(d) There are approximately 713 establishments that could be impacted, 76 hotels and 637 restaurants.

(e) ABRA has indicated that only 24 audits are near completion. There are approximately 100 establishments that have not filed their first-quarter statements and over 215 establishments, approximately 56 in Ward 1 alone, that have not filed their second-quarter statements.

(f) Even though ABRA has taken vigorous enforcement action against these establishments for not filing, the significant number of ABC establishments that have not filed prevents ABRA from currently determining what the true impact of the statutory food requirements will be on District hotels and restaurants, many of which are small, locally-owned businesses. Extending the existing statutory period by 6 months would provide ABRA with additional time to obtain this information from restaurants and hotels.

(g) Without a complete and accurate audit of District restaurant licensees, it will be

## ENROLLED ORIGINAL

impossible to fairly and equitably enforce the gross annual food sales requirements for licensees throughout the District.

(h) The 45% food percentage requirement has been in place since approximately 1987 but its impact has not been specifically addressed by the Council since this time. More importantly, this is the first time in the last 20 years that ABRA has had adequate staff to rigorously enforce the 45% requirement. As a result, ABRA does not yet have sufficient auditing information to determine or evaluate its impact on existing restaurants and hotels or whether the existing 45% requirement is still a reliable and appropriate enforcement tool. It is essential that ABRA be provided an opportunity to obtain and review a substantive amount of auditing information prior to being compelled into taking enforcement action against District restaurants and hotels.

(i) Extending the existing 2-year period by 6 months will allow ABRA to take enforcement action against licensees who have failed to file quarterly reports and gather needed information regarding the impact of the 45% requirement on the Districts restaurants and hotels.

(j) Identical emergency legislation approved by the Council on July 10, 2007, expired on October 24, 2007. Temporary legislation was transmitted to the Congress on October 11, 2007, and is not projected to become law until January 8, 2008. Without this Congressional review emergency, there will be a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Restaurant and Hotel Audit Sufficiency Congressional Review Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-422

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Workforce Housing Production Program Approval Act of 2006 and the Housing Production Trust Fund Act of 1988 to authorize the transfer and expenditure of \$4 million from the Housing Production Trust Fund and \$1 million from the special account established under section 47-131(c)(4) of the District of Columbia Official Code to the workforce housing land trust pilot program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Workforce Housing Production Program Congressional Review Emergency Declaration Resolution of 2007".

Sec. 2. (a) In 2006, the Council enacted the Workforce Housing Production Program Approval Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1061.01 *et seq.*) ("Act"), which contains measures necessary to enable the development and implementation of a workforce housing land trust pilot program.

(b) Recent emergency and temporary legislation enacted by the Council authorizes the Mayor to transfer \$4 million from the Housing Production Trust Fund, established pursuant to section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), and \$1 million from the Industrial Revenue Bond special account established under D.C. Official Code § 47-131(c)(4) to the workforce housing land trust pilot program.

(c) The Workforce Housing Production Program Emergency Amendment Act of 2007, effective July 27, 2007 (D.C. Act 17-104; 54 DCR 8212), expired October 25, 2007.

(d) The Workforce Housing Production Program Temporary Amendment Act of 2007, signed by the Mayor on October 3, 2007 (D.C. Act 17-117; 54 DCR 9992), is currently pending Congressional review and is projected to become law on January 8, 2008.

(e) Emergency legislation is needed to fill the gap between the expiration of the original emergency legislation and the completion of the Congressional review of the temporary legislation.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Workforce Housing Production Program Congressional Review Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

17-423

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To declare the existence of an emergency with respect to the need to approve certain contracts for congregate-care services for children committed to the care and custody of the Child and Family Services Agency, and to authorize payment for the services received under those contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "CFSA Congregate Care Contracts Option Year Three Approval and Payment Authorization Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to approve the following contracts for congregate-care services for children committed to the care and custody of the Child and Family Services Agency ("CFSA") and to authorize payment for the services received under those contracts:

CFSA-04-C-0363	Fihankra Place, Inc.	\$2,132,134.00
CFSA-04-C-0340	Terrific, Inc.	\$1,128,682.20
CFSA-04-C-0343	Ionia Whipper Home, Inc.	\$1,603,080.00
CFSA-04-C-0358	Catholic Charities	\$1,374,790.50
CFSA-04-C-0362	Family and Child Services	\$1,047,579.00
CFSA-04-C-0366	St. Ann's Infant and Maternity Home	\$1,425,872.50
CFSA-04-C-0345	Associates for Renewal in Education	\$2,345,490.00
CFSA-04-C-0347	Trinity Youth Services	\$2,693,174.40
CFSA-04-C-0346	Echelon Community Services	\$1,389,920.00
CFSA-04-C-0344	Umbrella (traditional group home)	\$1,513,655.00

(b) The CFSA is the District of Columbia agency charged with serving abused and neglected children. Those children committed to the care and custody of CFSA may be placed in a multitude of settings, including congregate-care facilities. Congregate-care facilities

## ENROLLED ORIGINAL

provide group care for children in traditional group homes and in emergency and diagnostic shelters, and offer independent living and teen parent programs.

(c) In July 2004, after a lengthy competitive process, CFSA awarded the contracts to congregate-care providers throughout the District of Columbia. The contracts, as approved by the Council, called for a base year, plus 4 option years. The CFSA utilized the base year and, with Council approval, where required, exercised option years one and 2.

(d) In preparation for the exercise of option year 3, CFSA encountered problems. First, many files were sequestered for a federal audit. The audit commenced in March 2007 and concluded, and the files returned, in late May 2007. Additionally, the assigned staff member administering these contracts was on sick leave from March through July 2007.

(e) Once the files were returned and staffers on duty commenced the process of preparing the option exercises, a number of file-quality-control issues were noted. Those issues took over a month to resolve. Then, proper packages had to be prepared. These problems prevented the timely submission of the necessary legislation to the Office of Attorney General, for legal sufficiency review, and to the Council, for contract approval.

(f) Quality assurance controls have been put into place to ensure these problems do not reoccur, including an active random-audit program, closer individualized staff supervision, and enhanced performance standards related to file quality.

(g) Council approval is necessary to pay for services received and to allow the District to continue to receive the benefit of the vital congregate-care services provided under the contracts over the course of option year 3.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the CFSA Congregate Care Contracts Option Year Three Approval and Payment Authorization Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-424

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To declare the existence of an emergency with respect to the need to approve Contract No. CFSA-07-C-0169 with Children's National Medical Center to provide health-care services to children committed to the care and custody of the District of Columbia, and to authorize payment for services under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFSA-07-C-0169, Children's National Medical Center Approval and Payment Authorization Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to approve Contract No. CFSA-07-C-0169 to provide health-care services to children committed to the care and custody of the District of Columbia and to authorize payment for services received from October 1, 2006, and to be received through November 30, 2007.

(b) In fiscal year 2005, the Child and Family Services Agency ("CFSA"), pursuant to its obligations under *LaShawn A. v. Williams*, undertook the process of revamping its health-care delivery system for committed wards of the District of Columbia ("DCKids program").

(c) Work began in earnest to develop a solicitation for health-care services in November 2004. The CFSA hired a respected consultant and engaged in extensive research throughout the country to ascertain the most appropriate model of service.

(d) On February 27, 2006, CFSA released its solicitation for a health-care-delivery system. The solicitation was sent to every hospital and managed-care organization located in the District of Columbia and was posted on the agency's public website. The solicitation closed on April 7, 2006. Only one offer was received and that was from the Children's National Medical Center ("CNMC"), which had served as the DCKids program vendor since its inception.

(e) After evaluating the proposal and deciding that the CNMC proposal was in the District's best interest, the parties started negotiations in July 2006.

(f) Negotiations lasted more than 7 months and concluded in February 2007. Since that time, CFSA has been working with the Office of Attorney General to resolve legal-sufficiency issues in the proposed contract.

(g) The previous contract with CNMC expired on September 30, 2006. Given the critical

## ENROLLED ORIGINAL

nature of the services, CNMC continued to administer the DCKids program while negotiations continued and the legal-sufficiency issues were being resolved. The total value of the services rendered by CNMC reached over \$1 million on May 1, 2007.

(h) Accordingly, the Child and Family Services Agency is requesting retroactive approval for the period beginning on October 1, 2006 through November 30, 2007 and payment authorization in the amount of \$1,873,200.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFSA-07-C-0169, Children's National Medical Center Approval and Payment Authorization Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-425

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To declare the existence of an emergency with respect to the need to approve certain contracts for community-based, child-welfare services with the Child and Family Services Agency and to authorize payment for the services received under those contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "CFSA Collaborative Contracts Approval and Payment Authorization Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to approve the following contracts for community-based, child-welfare services with the Child and Family Services Agency ("CFSA") and to authorize payment for the services received under those contracts:

CFSA-08-C-0001	Columbia Heights/Shaw	\$2,161,327.00
CFSA-08-C-0002	Georgia Avenue/Rock Creek East	\$1,168,829.00
CFSA-08-C-0003	Far Southeast	\$2,626,799.00
CFSA-08-C-0004	North Capitol Collaborative	\$1,162,192.00
CFSA-08-C-0005	Edgewood/Brookland	\$2,129,999.00
CFSA-08-C-0006	East of the River	\$1,749,213.00
CFSA-08-C-0007	South Washington/West of the River	\$1,147,184.00
CFSA-08-C-0008	Healthy Families/Thriving Communities Collaborative Council	\$1,088,109.00

(b) The CFSA is the District of Columbia agency charged with serving abused and neglected children and their families. It utilizes a number of vendors to provide services to at-risk families to ensure that their children, and the family unit, do not become participants in the child-welfare system.

(c) In 1997, CFSA, along with other community partners, created the Collaboratives. The Collaboratives are 7, community-based organizations, which serve specified wards. The Collaboratives provide a range of community-based, child-welfare services, including risk prevention and family preservation and stabilization.

## ENROLLED ORIGINAL

(d) The contract period of performance with the Collaboratives generally runs concurrent with the fiscal year. In preparing for the fiscal year 2008 contracts, an issue arose that had to be addressed prior to contracting the CFSA and the Collaboratives had agreed that CFSA would co-locate a specified number of CFSA in-home social work units with each of the Collaboratives. Additional funding for this project was approved in the spring 2007 and the parties began working on the logistical details through a joint workgroup. The logistics of the plan was time consuming and assistance was needed from additional governmental agencies. Some of the logistical issues related to physical plant, security, transportation, and information technology. After numerous site visits, discussions, and meetings, the details were recently completed. These details had to be completed before the fiscal year 2008 contracts could be finished.

(e) The CFSA entered into 45-day letter contracts with the Collaboratives, effective October 1, 2007, to ensure that there would not be a lapse in services. The CFSA does not anticipate this problem occurring in the future because there is legislation before the Council that will change the relationship between CFSA and the Collaboratives.

(f) Council approval is necessary to pay for services rendered since October 1, 2007 to allow the District to continue to receive the benefit of the vital community-based, child-welfare services provided under the contracts over the course of the full period of performance.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the CFSA Collaborative Contracts Approval and Payment Authorization Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-426

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To declare the existence of an emergency with respect to the need to adjust the funding for St. Coletta Special Education Public Charter School for July 2007 through September 2007 because the allocation provided by the Uniform Per Student Funding Formula is not adequate to cover the costs that St. Coletta Special Education Public Charter School incurred providing intensive special education services for these months, and to approve a supplemental payment, in the amount of \$1,591,788.75, to St. Coletta Special Education Public Charter School.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "St. Coletta Special Education Public Charter School Summer Payment Adjustment Emergency Declaration Resolution of 2007".

Sec. 2. (a) St. Coletta Special Education Public Charter School ("St. Coletta") opened in July 2006 and currently serves 225 District student residents who have a diagnosis of mental retardation or autism, functioning in the moderate to profound range with at least one secondary disabling condition, that requires these students to receive services in a self-contained setting during the regular school day.

(b) St. Coletta and the District of Columbia Public Schools ("DCPS") entered into a Memorandum of Understanding ("MOU") in January 2005 for the purpose of defining the funding for the program that St. Coletta provides to District student residents.

(c) The MOU was entered into before the facility for St. Coletta, located at 1901 Independence Avenue, S.E., was opened, when St. Coletta was operating as a non-public facility in Alexandria, Virginia, with District student residents enrolled in the Virginia facility.

(d) The MOU acknowledged that the existing charter school funding pursuant to the Uniform Per Student Funding Formula ("UPSFF") and other anticipated revenue streams for which St. Coletta would be eligible to receive would not be adequate to cover the costs that St. Coletta would incur in providing intensive special education services at the Independence Avenue Campus, and DCPS agreed to provide a supplemental payment to St. Coletta until an amendment to the UPSFF to provide an adequate level of financial support that recognized the full cost of educating students with disabilities requiring intensive services was enacted.

## ENROLLED ORIGINAL

(e) The Council approved supplemental funding in accordance with the MOU last November. The resolution authorizing that payment did not account for services provided to students in the summer months of 2007.

(f) The inability of DCPS to make the additional supplemental payment to St. Coletta jeopardizes St. Coletta's ability to continue to provide the required services to those District student residents currently enrolled in the school.

(g) The Mayor, in consultation with the Office of the Chief Financial Officer, has identified a funding source and budget category to provide this payment and requests that the Council approve a supplemental payment to St. Coletta in accordance with section 2401(b)(3)(B)(i) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.01(b)(3)(B)(i)).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the St. Coletta Special Education Public Charter School Summer Payment Adjustment Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

## A RESOLUTION

17-427

N THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To approve, on an emergency basis, a supplemental payment to St. Coletta Special Education Public Charter School for expenses incurred relating to services provided to 225 students with special needs in July through September 2007.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "St. Coletta Special Education Public Charter School Summer Payment Adjustment Emergency Approval Resolution of 2007".

Sec. 2. (a) Pursuant to section 2401(b)(3)(B)(i) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.01(b) (3)(B)(i)), and at the request of the Mayor, the Council approves a supplemental payment, in the amount of \$1,591,788.75, to St. Coletta Special Education Public Charter School ("St. Coletta"), which will be disbursed from the surplus in the fiscal year 2007 Charter School Fund budget for the expenditures St. Coletta incurred relating to services provided to 225 students with special needs in July through September 2007.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Chief Financial Officer and to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-428

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$30 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist Population Services International in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Population Services International Revenue Bonds Project Emergency Declaration Resolution of 2007".

Sec. 2. The Council finds that:

(1) Population Services International ("Borrower") has requested that the District issue revenue bonds ("Bonds").

(2) The proposed financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for costs of the:

(A) Financing, refinancing, or reimbursing of certain costs of acquiring, constructing, renovating, furnishing, or equipping certain facilities located at 1120 19<sup>th</sup> Street, N.W., Washington, D.C. (Lot 0078, Square 0117), comprising a mixed-use building of approximately 106,000 square feet above grade with below-grade parking and certain associated expenditures, to the extent financeable;

(B) Funding of any required deposit to a debt service reserve fund or capitalized interest on the Bonds; and

(C) Paying of certain costs of issuance of the Bonds, any bond insurance or credit enhancement, and working capital.

(3) Because the Borrower has requested that the District issue its revenue bonds as soon as possible because changing conditions in the bond market may quickly erode the savings available to the Borrower and to avoid an untimely delay in considering the adoption of the approval resolution, it is important that the Council expedite the process for the issuance of the Bonds by the District.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Population Services International Revenue Bonds Project Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-429

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$30 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist Population Services International in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Population Services International Revenue Bonds Project Emergency Approval Resolution of 2007".

## Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Mayor, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be Population Services International, a North Carolina nonprofit corporation which is exempt from federal income taxes.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and

## ENROLLED ORIGINAL

other similar instruments.

(7) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(10) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(11) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(12) "Loan" means the District lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(13) "Project" means the financing, refinancing or reimbursing of all or a portion of the borrower's cost of:

(A) Acquiring, constructing, renovating, furnishing, or equipping certain facilities located at 1120 19<sup>th</sup> Street, N.W., Washington, D.C. (Lot 0078, Square 0117), comprising a mixed-use building of approximately 106,000 square feet above grade, with below-grade parking, and certain associated expenditures, to the extent financeable;

(B) Funding any required debt service reserve fund or capitalized interest on the bonds; and

(C) Paying certain costs of issuance of the bonds, any bond insurance or credit enhancement, and working capital.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

## ENROLLED ORIGINAL

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$30 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of facilities used to house and equip operations related to the study, development, application, or production of innovative commercial or industrial technologies and of social services within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$30 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

## ENROLLED ORIGINAL

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

#### Sec. 6. Sale of the Bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

## ENROLLED ORIGINAL

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

**Sec. 7. Payment and security.**

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

**Sec. 8. Financing and Closing Documents.**

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's



## ENROLLED ORIGINAL

approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

## ENROLLED ORIGINAL

## Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

## Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

## Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

## Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

## ENROLLED ORIGINAL

## Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

## Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

## Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

## Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

## Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

## Sec. 20. Effective date.

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-430

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$8.5 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The Vestry of Rock Creek Parish in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The Vestry of Rock Creek Parish St Paul's Center Revenue Bonds Project Emergency Approval Resolution of 2007".

Sec. 2. The Council finds that:

(1) The Vestry of Rock Creek Parish ("Borrower") has requested that the District issue revenue bonds ("Bonds").

(2) The proposed financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for all or a portion of the costs of:

(A) The financing, reimbursing, or refinancing of a portion of the costs incurred by the Borrower in connection with renovation of an approximately 30,000-square-foot community center, known as "St. Paul's Center," owned by the Borrower and located at Rock Creek Church Road and Webster Street, N.W., Washington, D.C. (within Parcel 01110037); and

(B) The paying of certain associated expenditures, including, without limitation, issuance costs, reserves, and credit enhancement costs.

(3) Because the Borrower has requested that the District issue its revenue bonds as soon as possible because changing conditions in the bond market may quickly erode the savings available to the Borrower and to avoid an untimely delay in considering the adoption of the approval resolution, it is important that the Council expedite the process for the issuance of the Bonds by the District.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that The Vestry of Rock Creek Parish St Paul's Center Revenue Bonds Project Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-431

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$8.5 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The Vestry of Rock Creek Parish in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The Vestry of Rock Creek Parish St. Paul Center Revenue Bonds Project Emergency Approval Resolution of 2007".

## Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Mayor, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be The Vestry of Rock Creek Parish, a corporation organized under the laws of the United States by Act of Congress and existing under the laws of the District of Columbia, the State of Maryland, and the United States.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

## ENROLLED ORIGINAL

(7) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(10) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(11) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(12) "Loan" means the District lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(13) "Project" means:

(A) The financing, reimbursing, or refinancing of a portion of the costs incurred by the borrower in connection with renovation of an approximately 30,000-square-foot community center, known as "St. Paul's Center," owned by the borrower and located at Rock Creek Church Road and Webster Street, N.W., Washington, D.C. (within Parcel 01110037); and

(B) The paying of certain associated expenditures, including, without limitation, Issuance Costs, reserves, and credit enhancement costs.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$8.5 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

## ENROLLED ORIGINAL

(4) The project is an undertaking in the area of facilities used to house and equip operations related to the study, development, application, or production of innovative commercial or industrial technologies and social services within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$8.5 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;



## ENROLLED ORIGINAL

- (8) The time and place of payment of the bonds;
  - (9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;
  - (10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and
  - (11) The terms and types of credit enhancement under which the bonds may be secured.
- (b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.
- (c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia manual or facsimile signature. The Mayor execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.
- (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.
- (e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.
- (f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

**Sec. 6. Sale of the bonds.**

- (a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.
- (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.
- (c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.
- (d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of

## ENROLLED ORIGINAL

federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

## ENROLLED ORIGINAL

## Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

## Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

## Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

## ENROLLED ORIGINAL

## Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

## Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

## Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

## Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

## Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been

## ENROLLED ORIGINAL

## A RESOLUTION

17-432

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To declare the existence of an emergency with respect to the need to approve the Mayor's spending plan to implement the Neighborhood Investment Act of 2004 for fiscal year 2008.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Neighborhood Investment Act Spending Plan for Fiscal Year 2008 Emergency Declaration Resolution of 2007".

Sec. 2. (a) Pursuant to section 2(c) and (e) of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071(c) and (e)) ("Act"), the Mayor transmitted to the Council the Fiscal Year 2008 Neighborhood Investment Act Spending Plan ("Plan"), which lists proposed uses of funding in fiscal year 2008 from the Neighborhood Investment Fund ("Fund") established by section 2(a) of the Act.

(b) The proposed Plan includes important funding for neighborhood development projects, neighborhood amenities, neighborhood planning, streetscape improvements, and critical new funding for the Main Streets Program, along with authorization to disburse grants awarded in prior years.

(c) No funds may be expended from the Fund until the Council approves the Plan.

(d) The application process for selecting projects to be supported by the Fund cannot commence until the Plan has been approved.

(e) Previously selected grants cannot be funded until the Plan is approved.

(f) Government projects that would be supported by the Fund cannot be completed until the Plan is approved.

(g) Any delay in approving the Plan will lead to unnecessary delays in achieving neighborhood economic development projects and neighborhood improvement projects and improving the quality of life for residents of the District.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Neighborhood Investment Act Spending Plan for Fiscal Year 2008 Emergency Approval Resolution of 2007 be approved on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-433

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To approve, on an emergency basis, the Mayor's spending plan to implement the Neighborhood Investment Act of 2004 for fiscal year 2008.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Neighborhood Investment Act Spending Plan for Fiscal Year 2008 Emergency Approval Resolution of 2007".

Sec. 2. Pursuant to section 2 (c) and (e) of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071(c) and (e)) ("Act"), the Mayor transmitted to the Council the Fiscal Year 2008 Neighborhood Investment Act Spending Plan, set forth in section 3, which lists proposed uses in fiscal year 2008 of funds from the Neighborhood Investment Fund ("NIF") established by section 2(a) of the Act.

Sec. 3. The Mayor proposed that the following programs and administrative costs of the NIF be funded from the NIF in fiscal year 2008 for the projects, target areas, and amounts indicated:

## ENROLLED ORIGINAL

Project Name	Expenditure	Project Description	Project Type	Target Area
NIF Target Area Project Grants	\$3,900,000	Grants to not-for-profit organizations for major projects that fulfill the goals of the Neighborhood Investment Act of 2004 and the NIF program. Projects to be selected through a request for applications (RFA) process to be administered by the Office of the Deputy Mayor for Planning and Economic Development <u>Maximum Grant:</u> \$200,000 <u>Project Focus Areas:</u> See section 6 below <u>Evaluation Criteria:</u> See section 5 below	Varies	Multiple target areas
NIF Government Projects	\$2,700,000	Funding for projects proposed and implemented by District agencies, instrumentalities, offices, boards or commissions that fulfill the goals of the Neighborhood Investment Act of 2004 and the NIF program Projects to be selected through a	Varies	Multiple target areas

## ENROLLED ORIGINAL

		notice of funding availability process to be administered by the Office of the Deputy Mayor for Planning and Economic Development <u>Project Focus Areas:</u> See section 6 below <u>Evaluation Criteria:</u> See section 5 below		
Neighborhood Grants Program	\$600,000	Matching grants to not-for-profit organizations to complete small neighborhood projects. Projects to be selected through a request for applications process to be administered by the Office of the Deputy Mayor for Planning and Economic Development. <u>Maximum Grant:</u> 1) Small, simple projects: Up to \$15,000 2) Major or complex projects: Up to \$75,000 <u>Project Focus Area:</u> See section 6 below <u>Evaluation Criteria:</u> See section 5 below	Varies	Multiple target areas



Predevelopment and Project Grant Fund	\$2,000,000	Grants to support predevelopment activities of non-profit organizations to determine feasibility of construction and rehabilitation of affordable housing and mixed-use projects. Projects and recipients will be selected through a competitive request for proposals process to be conducted by a fund manager.	Predevelopment	Multiple target areas
District of Columbia Office of Planning	\$750,000	Neighborhood planners	Neighborhood planning	Multiple target areas
District of Columbia Department of Small and Local Business Development / Main Streets Program	\$800,000	Supporting existing Main Street Program and creating a new Main Street in each of Wards 4, 7, and 8	Commercial district revitalization and small business assistance	Multiple target areas
District of Columbia Department of Transportation	\$345,000	Planning and establishing a vending program	Commercial district revitalization and small business assistance	Multiple target areas

District of Columbia Department of Transportation	\$400,125	Commercial node streetscape and road improvements	Commercial district revitalization and small business assistance	Deanwood Heights
District of Columbia Department of Transportation	\$750,000	Construction of civic plaza	Commercial district revitalization and small business assistance	Columbia Heights
General Administratio n	\$429,094	Administrative expenditures for program including staff, monitoring, training and legal services	Varies	All target areas
Contracts	\$250,000	Expenditures for contractual services directly related to the operation and administration of the Neighborhood Investment Act of 2004 and the NIF program	Varies	All target areas
Prior Year NGP Grants	\$269,553.06	Disbursement of prior year Neighborhood Grants Program grants	Varies	Multiple

Prior Year TAPG Grants	\$1,692,280	Disbursement of prior year Target Area Project grants	Varies	Multiple

Sec. 4. Projects funded with NIF Target Area Project Grants or through the Neighborhood Grants Program will be selected through a competitive process administered by the Office of the Deputy Mayor for Planning and Economic Development.

Sec. 5. Project evaluation criteria for the NIF Target Area Project Grants, NIF Government Projects, and Neighborhood Grants Program shall include: project feasibility; need and public benefit; applicant experience; resource leveraging; synergy with NIF program goals and other government initiatives; and neighborhood involvement and partnerships.

Sec. 6. Projects eligible for funding in fiscal year 2008 through the NIF Target Area Project Grants and NIF Government Projects shall fall into one of the following categories: housing; education, job training, and job placement; commercial district revitalization and small business assistance; senior or youth oriented programming; and any other category that fulfills a target area goal identified in the Act.

Sec. 7. The Council approves the spending plan set forth in section 3.

Sec. 8. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 9. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 10. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-434

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To declare the existence of an emergency with respect to the need to order the closing of a portion of a public alley in Square 234, bounded by W Street, N.W., 13th Street, N.W., Florida Avenue, N.W., and 14th Street, N.W., in Ward 1.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of a Portion of a Public Alley in Square 234, S.O. 07-7717, Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to approve emergency legislation to close a portion of a public alley in Square 234. The emergency legislation is identical in substance to the Closing of a Square 234, S.O. 07-7717, Act of 2007, passed on 1<sup>st</sup> reading on October 2, 2007 (Engrossed version of Bill 17-327), which is scheduled for final reading at the November 6, 2007 legislative session.

(b) The closing of a portion of a public alley in Square 234 will facilitate a mixed-use development at 13th and W Streets, N.W., which includes the redevelopment of the Anthony Bowen YMCA ("YMCA"). The legislation proposes to close a portion of a public alley in Square 234, bounded by W Street, N.W., 13th Street, N.W., Florida Avenue, N.W., and 14th Street, N.W., in Ward 1. The applicant has also obtained approval and "no objection" clearances from the various District agencies, the utility companies, Advisory Neighborhood Commission 1B and National Capital Planning Commission. The applicant proposes to construct a \$100 million complex that will result in a larger state-of-the-art YMCA facility with approximately 45,000 square feet that will include a day care center, pool, fitness center, and recreational and education facilities. It will also include approximately 13,000 square feet of retail space; approximately 225 rental units, of which 8% of residential rental units will be made permanently affordable for families earning no more than 60% of the area median income; and approximately 180 below-grade, off-street parking spaces..

(c) The enactment of the emergency alley closing legislation is critical to the operations of the YMCA, the first African-American YMCA in the country, which will have to close its

## ENROLLED ORIGINAL

doors during construction. It will reduce the YMCA's "closed-for-renovation" period from 3 school years to 2 school years and will lessen the disruption to the community as a whole as well as the 150 children who receive after-school care; the 85 children who participate in the YMCA's preschool programs; the 150 summer camp participants; the 1,250 children from the Meridian, CAPS, and Chavez schools who utilize the YMCA's equipment and space for their physical fitness programs; the hundreds of children from 3 local charter schools who use the YMCA's pool for wellness and aquatic safety training; the 150 students of Chavez Prep, currently housed at the YMCA; the 100 senior citizens who increase their fitness, mobility, and quality of life using the YMCA's resources; for the 450 members; and for the countless community groups and neighborhood residents who use the YMCA programs and outreach services.

(d) The emergency legislation is also necessary so that the applicant can begin the arduous and protracted process of consolidating the subdivision plans and obtaining the numerous permits and utility services to break ground in spring 2008 and complete the project in 2 years. The applicant cannot proceed with the construction and engineering planning necessary to prepare permit applications until the portion of the public alley is closed.

(e) It is also key to the applicant's ability to obtain and close its construction loan for the project, which cannot be done until the lots are consolidated into one lot. The applicant also must complete its agreement with the principal project investor, which is contingent upon having the portion of the public alley closed as assurance that the site can be developed. As interest rates are unstable, it is important that the financing of the project is completed as soon as possible to ensure the financial feasibility of the project.

(f) The proposed mixed-use project has received the support of the Deputy Mayor for Planning and Economic Development, the District Department of Transportation, and the Office of Planning. Also, the Advisory Neighborhood Commission 1B voted to support the alley closing application, S.O. 07-7717, at its regularly scheduled public meeting on June 7, 2007.

(g) The development of this retail and residential project with the 225 new households will have a positive fiscal impact on the District by generating an estimated \$3 million in additional tax revenues annually. The project is also expected to result in the creation of approximately 300 temporary jobs during construction with an additional 50 to 100 permanent jobs from new retail and the management and operations of the new apartment building and the new, expanded the YMCA.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of a Portion of a Public Alley in Square 234, S.O. 07-7717, Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-435

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 6, 2007

To declare the existence of an emergency with respect to the need to authorize the Mayor to continue the taking by eminent domain of property at the Skyland Shopping Center so that the District is reauthorized to continue condemnation proceedings over the property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Skyland Eminent Domain Reauthorization Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need for the Mayor to be authorized to continue the taking by eminent domain of property at the Skyland Shopping Center.

(b) Redeveloping the Skyland Shopping Center into a vibrant, community-serving shopping center has been a long-term goal of the community near the shopping center and of the District government.

(c) The National Capital Revitalization Corporation ("NCRC") was authorized by the Council to condemn property at the Skyland Shopping Center to redevelop the property.

(d) The NCRC had initiated several condemnations of property at the site.

(e) Several of the condemnation proceedings are ongoing and additional condemnation proceedings need to be initiated to complete the acquisition of the site.

(f) However, due to the recent dissolution of the NCRC, condemnation authority needs to be transferred from NCRC to the Mayor.

(g) Any delay in authorizing the condemnations is likely to lead to unnecessary delays in completing the site acquisition process and moving the redevelopment of the Skyland Shopping Center forward.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Skyland Eminent Domain Reauthorization Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-437

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 20, 2007

To confirm the appointment of Dr. Sharlynn E. Bobo as the Director of the Child and Family Services Agency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Child and Family Services Agency Sharlynn E. Bobo Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Dr. Sharlynn E. Bobo  
8250 Quill Point Drive  
Bowie, MD 20720

as the Director of the Child and Family Services Agency, established by section 301a of the Prevention of Child Abuse and Neglect Act of 1977, effective April 14, 2001 (D.C. Law 13-277; D.C. Official Code § 4-1303.01a), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-438

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 20, 2007

To confirm the appointment of Ms. Kelly Valentine as the Chief Risk Officer of the Office of Risk Management.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief Risk Officer of the Office of Risk Management Kelly Valentine Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Kelly Valentine  
907 6th Street, S.W.  
Washington, D.C. 20024  
(Ward 6)

as the Chief Risk Officer of the Office of Risk Management, established by section 3(b) of the Reorganization Plan No. 1 of 2003, effective December 15, 2003 (50 DCR 6504), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Mayor.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

17-439

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 20, 2007

To declare the existence of an emergency with respect to the need to establish a special committee to investigate the management, control systems, and structures within the Office of Tax and Revenue in the Office of the Chief Financial Officer that permitted millions of dollars of District of Columbia funds to be stolen, and to determine what steps are necessary to ensure integrity of the Office of Tax and Revenue and that the management, control systems, and structures are adequate to prevent a future occurrence of these fraudulent activities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Office Tax and Revenue Investigation Special Committee Establishment Emergency Declaration Resolution of 2007".

Sec. 2. (a) On November 7, 2007, the United States Attorney for the District of Columbia announced the arrest of 2 District of Columbia employees in connection with a "massive property tax refund fraud scheme that was designed to steal tens of millions of dollars from the District of Columbia by approving and issuing fraudulent property tax refunds from the District of Columbia's Office of Tax and Revenue ("OTR")."

(b) The indictment alleged that from 2004 through the present, the 2 arrested OTR employees, and others, were involved in preparing or approving fraudulent property tax refund requests to generate more than 40 separate fraudulent refund checks averaging more than \$388,000.

(c) At the beginning of the investigation, approximately 42 fraudulent refund checks had been identified that resulted in a loss of over \$16 million to the District, a loss figure that has now been estimated to approach \$31 million.

(d) The law enforcement investigation continues, with the extent of the scheme and magnitude of the fraud still being assessed.

(e) The Office of the Chief Financial Officer was created by the Congress of the United States during the control period. Congress established the duties and responsibilities of the office, independent from control of local elected officials, and still sets the compensation level of the Chief Financial Officer.

## ENROLLED ORIGINAL

(f) Section 413(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.13(a)), provides that the Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence.

(g) Council Rule 251 authorizes the Council to create special committees to consider investigations, ethics, and other matters by resolution, approved by 2/3rds of the members of the Council, and that such committee may use subpoenas to obtain testimony or documents if the resolution creating the special committee authorizes the issuance of subpoenas.

(h) The primary purpose of the Council Office of Tax and Revenue Investigation Special Committee will be to investigate systemic flaws in the management and control systems of the Office of Tax and Revenue that permitted millions of dollars of District of Columbia funds to be stolen, to ensure the integrity of OTR, and to determine what steps are necessary to prevent a future occurrence of these fraudulent activities.

(i) The establishment of a special committee will enable the Council to focus its resources on this critically needed investigation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Council Office Tax and Revenue Investigation Special Committee Establishment Emergency Resolution of 2007 be adopted on an emergency basis.

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-440

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 20, 2007

To establish, on an emergency basis, a special committee to investigate the management, control systems, and structures within the Office of Tax and Revenue in the Office of the Chief Financial Officer that permitted millions of dollars of District of Columbia funds to be stolen, and to determine what steps are necessary to ensure the integrity of the Office of Tax and Revenue and that the management, control systems, and structures are adequate to prevent a future occurrence of these fraudulent activities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Office of Tax and Revenue Investigation Special Committee Establishment Emergency Resolution of 2007".

## Sec. 2. Findings.

(a) On November 7, 2007, the United States Attorney for the District of Columbia announced the arrest of 2 District of Columbia employees in connection with a "massive property tax refund fraud scheme that was designed to steal tens of millions of dollars from the District of Columbia by approving and issuing fraudulent property tax refunds from the District of Columbia's Office of Tax and Revenue ("OTR")."

(b) The indictment alleged that from 2004 through the present, the 2 arrested OTR employees, and others, were involved in preparing or approving fraudulent property tax refund requests to generate more than 40 separate fraudulent refund checks averaging more than \$388,000.

(c) At the beginning of the investigation, approximately 42 fraudulent refund checks had been identified that resulted in a loss of over \$16 million to the District, a loss that has now been estimated to approach \$31 million.

(d) The law enforcement investigation continues, with the extent of the scheme and magnitude of the fraud still being assessed.

(e) The Office of the Chief Financial Officer was created by the Congress of the United States during the control period. Congress established the duties and responsibilities of the

## ENROLLED ORIGINAL

office, independent from control of local elected officials, and still sets the compensation level of the Chief Financial Officer.

(f) Section 413(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.13(a)), provides that the Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence.

(g) Council Rule 251 authorizes the Council to create special committees to consider investigations, ethics, and other matters by resolution, approved by 2/3rds of the members of the Council, and that such committee may use subpoenas to obtain testimony or documents if the resolution creating the special committee authorizes the issuance of subpoenas.

(h) The primary purpose of the Council Office of Tax and Revenue Investigation Special Committee is to investigate systemic flaws in the management and control systems of the Office of Tax and Revenue that permitted millions of dollars of District of Columbia funds to be stolen, to ensure the integrity of OTR, and to determine what steps are necessary to prevent a future occurrence of these fraudulent activities.

Sec. 3. Establishment of the Council Office of Tax and Revenue Investigation Special Committee.

(a) There is established a Council Office of Tax and Revenue Investigation Special Committee ("Special Committee").

(b) Subject to the availability of funds, the budget for the Special Committee shall not exceed \$250,000; provided, that the budget for the Special Committee shall not exceed \$100,000 from the Council's budget without further authorization by the Council.

Sec. 4. Special Committee membership.

(a) The Special Committee shall consist of all members of the Council.

(b) The Special Committee shall be co-chaired by Council Chairman Vincent C. Gray and Councilmember Jack Evans, Chairperson of the Committee on Finance and Revenue.

Sec. 5. Rules of procedure.

The Rules of the Council Committee on Finance and Revenue shall govern the Special Committee. The Special Committee is authorized, pursuant to Rule 226 of the Council Rules, to adopt additional rules which are not inconsistent with Council rules or other applicable laws.

Sec. 6. Duties; reporting requirements.

(a) The Special Committee shall conduct one or more public oversight hearings to:

(1) Determine the lack of, or weaknesses in, internal controls that permitted millions of dollars to be stolen;

## ENROLLED ORIGINAL

(2) Determine the areas that need to be strengthened to prevent a recurrence of this breach of the public trust;

(3) Determine if there were failures, and the extent and scope of such failures, in established external controls that should have detected this theft;

(4) Determine if, previous to this scheme, there were signs of fraudulent activity and whether they were ignored or went unheeded;

(5) Make recommendations on the development and implementation of a comprehensive plan of correction;

(6) Review the scope and the adequacy of the investigation in exposing all facts associated with this fraud and embezzlement;

(7) Examine whether the management, procedures, control systems, and structures of the Office of the Chief Financial Officer are in compliance with the laws and regulations of the District of Columbia;

(8) Determine the extent to which the known losses affect the District's budget and financial plan; and

(9) Examine any other areas that may be necessary to help the Council accomplish its duties and responsibilities.

(b) The Special Committee shall present a report to the full Council within 90 days of the conclusion of its investigation, which report shall include the following:

(1) Recommendations on how to increase the transparency of the operations of the Office of Tax and Revenue to enable the Council to exercise effective oversight;

(2) An identification of areas of concern, a plan for addressing concerns which can be resolved on an immediate basis, and a plan, including time frames and detailed accomplishments, for resolving other areas of concern identified by the Committee;

(3) A recommendation of cost-effective, appropriate alternative organizational structures or financial controls within the Office of the Chief Financial Officer ("OCFO") for providing financial services to the District government and its residents;

(4) Recommendations for any changes in the District Charter, statutes, regulations, or procedures proven advisable through the course of the investigation, including whether the OCFO should continue to be insulated from the checks and balances that apply to other District agencies, such as being subject to the legal authority of the Office of the Attorney General for the District of Columbia, the management authority of the Office of Contracting and Procurement, and the personnel oversight of the Department of Human Resources;

(5) Recommendations on the establishment of a uniform disbursement policy (financial controls);

(6) Recommendations on the establishment of a uniform internal audit policy; and

(7) A determination as to whether any additional allegations of criminal wrongdoing should be referred for action to the appropriate authorities.

## ENROLLED ORIGINAL

(c) Notwithstanding Council Rule 308, the Special Committee may file its report during a period of Council recess.

**Sec. 7. Hearings.**

(a) The Special Committee may hold public hearings on all matters related to the investigation, including:

(1) Legislative and other proposals regarding the Office of Tax and Revenue;

(2) Oversight of the Office of Tax and Revenue and other operations of the Office of the Chief Financial Officer;

(3) Receiving testimony, comments, documents, computer records (hard copy or diskette), emails, recordings, notes, photographs, facsimile transmissions, or other information or materials from witnesses called before the Special Committee and from members of the public; and

(4) Any matter necessary to accomplish the duties set forth in section 6.

(b) All testimony given by witnesses before the Special Committee shall be made under oath. The Chairpersons of the Special Committee are authorized to issue an oath or affirmation to each witness. The Special Committee may authorize a member, committee staff, or counsel advising the Special Committee to take testimony of witnesses by oral, written, or videotaped depositions.

(c) The Special Committee may coordinate its efforts with any other investigation of the Office of Tax and Revenue conducted by officers or employees of the federal or District government.

**Sec. 8. Staff.**

The Special Committee may hire staff and may appoint legal counsel, consultants, or any other person within the constraints of its budget, to advise the Chairpersons of the Special Committee. The Special Committee shall utilize the services of the District of Columbia Auditor and Inspector General to help reduce the overall cost of the investigation.

**Sec. 9. Subpoena authorization.**

The Council authorizes the Special Committee to use subpoenas to compel the attendance of witnesses, to obtain testimony, or to produce documents, or other information or tangible items. The Special Committee shall not be required to submit a report to the Secretary to the Council before issuing a subpoena.

**Sec. 10. Filing of records.**

The Special Committee shall submit its official records to the Secretary to the Council within 30 days of the filing of its report to the Council.

## ENROLLED ORIGINAL

## Sec. 11. Fiscal impact statement.

The fiscal impact is consistent with the amount proposed for its budget. Additionally, the Special Committee expects to avail itself of existing funds within the Council's fiscal year 2008 budget with assistance from the Office of District of Columbia Auditor, Office of the Inspector General, the Office of the Chief Financial Officer, and other funding sources.

## Sec. 12. Effective date; sunset provisions.

- (a) This resolution shall take effect immediately.
- (b) This resolution shall expire on January 1, 2009.